
Human Services Committee

HB 1263

Brief Description: Making technical corrections to community custody provisions.

Sponsors: Representatives Goodman, Rodne and Moeller; by request of Statute Law Committee and Sentencing Guidelines Commission.

Brief Summary of Bill

- Makes changes to multiple sections throughout the adult criminal code regarding community custody to remove references to repealed or recodified statutes.
- Requires the court to impose a term of community custody for the offense of unlawful possession of a firearm by an offender who is a criminal street gang member or associate.
- Authorizes the Indeterminate Sentencing Review Board to have jurisdiction over the terms of community custody for sex offenders.
- Allows the Sentencing Guidelines Commission to annually propose modifications to the community custody ranges for sentences for offenders who are sentenced to the custody of the Department of Corrections.
- Adds a new "Special Allegations" chapter to 9.94A RCW and recodifies the existing provision for the special allegation that the accused is a criminal street gang member or associate.
- Repeals RCW 9.94A.545 regarding the terms of community custody for certain offenses.
- Repeals RCW 9.94A.715 regarding the terms of community custody for certain offenses.

Hearing Date: 1/26/09

Staff: Linda Merelle (786-7092)

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In 2008 the legislature passed House Bill 2719 substantially reorganizing the community custody statutes and making technical changes to provisions of the Sentencing Reform Act. The Legislature further ordered that the Code Reviser report to the 2009 Legislature on any necessary amendments to implement House Bill 2719 as it was passed by the 2008 Legislature.

Summary of Bill:

Statutory references are changed to reflect recodified or repealed sections of the Sentencing Reform Act and other provisions. The statutes affected are as follows:

RCW	RCW	RCW
2.240.040	9.94A.835	9.95.122
9.41.045	9.94A.850	9.95.140
9.94A.030	9.94B.030	9.95.425
9.94A.505	9.94B.060	9.95.900
9.94A.633	9.94B.070	9A.76.115
9.94A.6332	9.95.011	13.40.135
9.94A.670	9.95.017	72.09.335
9.94A.701	9.95.055	72.09.370
9.94A.703	9.95.070	72.09.714
9.94A.704	9.95.090	72.09.716
9.94A.731	9.95.110	72.09.718
9.94A.771	9.95.121	72.09.720
9.94A.602	9.94A.605	

The courts are required to impose community custody for the offense of possession of a firearm by an offender who is a criminal street gang member or associate. The Sentencing Guidelines Commission may annually propose modifications to the community custody ranges for offenders who are sentenced to the Department of Corrections. Certain sections of the Sentencing Reform Act that have been reorganized or recodified are repealed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect on August 1, 2009.